

S/N 10/050,237



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David Ben-Eli

Examiner: Angelica Perez

Serial No.: 10/050,237

Group Art Unit: 2684

Filed: January 15, 2002

Docket: 884.647US1

Title: METHOD AND APPARATUS FOR SEARCHING FOR A BASE STATION
USING AN ADAPTABLE SEARCH WINDOW

PETITION FOR WITHDRAWAL OF ABANDONMENT UNDER 37 CFR § 1.181(a) OR,
IN THE ALTERNATIVE, PETITION FOR REVIVAL OF AN APPLICATION
ABANDONED UNINTENTIONALLY UNDER 37 CFR § 1.137(b)

MAIL STOP PETITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

As provided in MPEP § 711.03(c), the undersigned attorney as Representative for the Applicant believes that the above-identified application was improperly abandoned by the Office, and hereby petitions for withdrawal of abandonment based on the following facts and information:

1. The applicant received a final Office Action dated 23 August 2005 with a six-month deadline for a response of 23 February 2006.

2. Examiner Perez produced an Interview Summary dated 6 April 2006 wherein Examiner Perez states that she agreed to issue a new office action in November, 2005. Examiner Perez subsequently went on leave, and the six month period for response expired without the new office action being issued. The applicant has therefore not received an office action that was expected to be issued by Examiner Perez as is stated in her Interview Summary dated 6 April 2006. Examiner Perez agreed that the condition of the case is a result of premature after-final action.

3. A notice of abandonment has not been entered in the record.

4. Because this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

5. Examiner Perez left a voicemail message with the undersigned attorney on March 24, 2006, indicating that the applicant need not file a full response to the last office action to have the application revived and a new office action issued.

6. No fee is believed due for this petition, but if additional fees are required, they may be charged to Deposit Account No. 19-0743.

9. Although the applicant's Representative believes that this Petition for Withdrawal of Abandonment based on a failure to receive an office action under 37 CFR § 1.181(a) to be correct and appropriate, he also states that any error inadvertently made by him which resulted in abandonment of this application was unintentional. In the event it is deemed that a Petition for Revival of an Application Abandoned Unintentionally under 37 CFR § 1.137(b) is required to revive this application, such petition is hereby made, and any fees required may be charged to Deposit Account No. 19-0743.

Respectfully submitted,

DAVID BEN-ELI

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6973

Date 8 MAY 2006 By _____

Robert E Mates
Reg. No. 35,271



CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8th day of May, 2006.

Name _____

Amy Moriarty

Signature _____

